

Message Text

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INFO OCT-01 ISO-00 NEA-10 OES-06 SSO-00 CCO-00 /019 R

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FM SECSTATE WASHDC

TO USDEL SECRETARY IMMEDIATE

C O N F I D E N T I A L STATE 193453 TOSEC 200030

E.O. 11652: GDS

TAGS: TECH IS EG

SUBJECT: ACTION MEMORANDUM: NUCLEAR POWER AGREEMENTS WITH
EGYPT AND ISRAEL - THE ROLE OF CONGRESS (S/S NO.7616704)

FOR THE SECRETARY FROM MCCLOSKEY

1. THE PROBLEM. AGREEMENTS WITH ISRAEL AND EGYPT ARE BEING
INITIALED TODAY AND TOMORROW. IF THEY ARE HANDLED ROUTINELY
THERE WILL NOT BE ENOUGH TIME FOR THE AGREEMENTS TO BE
APPROVED BY THIS CONGRESS.

BACKGROUND AND ANALYSIS- CONGRESSIONAL OPINION.

2. YOU AUTHORIZED BRIEFINGS OF KEY MEMBERS OF CONGRESS ON
THE ISRAEL AND EGYPT AGREEMENTS. OUR EFFORTS TO DATE HAVE
UNCOVERED A GENERAL RELUCTANCE TO TAKE THE ISSUE ON AT THIS
TIME AND SOME DETERMINED OPPOSITION:

3. PASTORE SUPPORTS THE AGREEMENTS, BUT DOUBTS THAT THEY
CAN BE APPROVED BY CONGRESS THIS SESSION; HE BELIEVES THAT
IT WOULD BE IMPOSSIBLE TO SHORTEN THE 60 DAY PERIOD
SPECIFIED FOR CONGRESSIONAL CONSIDERATION. HE BELIEVES,
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HOWEVER, THAT IF THE ADMINISTRATION DECIDES TO HAVE THE AGREEMENTS SIGNED NOW, THEY SHOULD BE SUBMITTED PROMPTLY TO CONGRESS WITH A STATEMENT THAT WE UNDERSTAND THERE MAY NOT BE ENOUGH TIME IN THIS SESSION FOR THE FULL 60-DAY PERIOD PROVIDED FOR CONGRESSIONAL CONSIDERATION BUT WE BELIEVE THE BEST INTERESTS OF ALL CONCERNED ARE SERVED BY SUBMITTING THE AGREEMENTS FOR REVIEW AND CONSIDERATION AS EARLY AS POSSIBLE. THIS WOULD AMOUNT TO FOREGOING THE OPTION OF PRESSING FOR ACTION BEFORE OCTOBER 2.

4. IN THE SENATE FOREIGN RELATIONS COMMITTEE, CHURCH AND BIDEN ARE FLATLY OPPOSED, SYMINGTON IS NEGATIVE. CASE AND PERCY WANT TO BE HELPFUL, BUT HAVE QUESTIONS. GRIFFIN IS SUPPORTIVE, ACCORDING TO HIS STAFF, BUT IS NOT SURE HE WILL HAVE TIME TO BE VERY HELPFUL. THE CHIEF OF STAFF OF THE JOINT COMMITTEE IS SUPPORTIVE OF THE AGREEMENTS.

5. IN THE HOUSE, CHAIRMAN MORGAN AND BILL BROOMFIELD ASKED US TO BRIEF COMMITTEE STAFF, WHICH WE DID. AFTER BEING BRIEFED BY HIS STAFF, MORGAN HAS SUGGESTED THAT THE ZABLOCKI SUBCOMMITTEE BE BRIEFED NEXT WEEK. SEVERAL OTHERS HAVE NOT RESPONDED TO OUR OFFERS TO BRIEF. THEY WOULD APPARENTLY PREFER NOT BE FACED WITH THIS ISSUE NOW. JOHN ANDERSON AGREED TO DISCUSS THE PROPOSED AGREEMENTS WITH US, THEN CANCELLED THE MEETING.

6. NUCLEAR TRANSFERS TASK FORCE. THE PRESIDENT HAS APPOINTED A TASK FORCE TO STUDY A NUMBER OF NUCLEAR POLICY ISSUES INCLUDING NUCLEAR EXPORTS. HE HAS INFORMED THE CONGRESS THAT THE STUDY IS UNDERWAY AND A REPORT IS EXPECTED IN EARLY SEPTEMBER. UNTIL THAT REPORT IS COMPLETED AND STUDIED BY CONGRESS, MANY MEMBERS WILL WISH TO DEFER ANY ACTION ON THE AGREEMENTS WITH EGYPT AND ISRAEL.

7. PROCEDURES. ERDA ADMINISTRATOR SEAMANS YESTERDAY AGREED TO THE INITIALING OF THE AGREEMENTS WITH ISRAEL AND EGYPT. WE EXPECT THE INITIALING TODAY OR TOMORROW.

AFTER THE INITIALING SEAMANS MUST DECIDE WHETHER
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OR NOT TO SEND THE AGREEMENTS TO THE PRESIDENT FOR APPROVAL AND AUTHORITY TO SIGN. IF THE WHITE HOUSE INDICATES THAT IT WOULD RATHER DEFER ACTION ON THESE AGREEMENTS FOR POLITICAL REASONS, SEAMANS MAY DELAY SENDING THEM TO THE PRESIDENT. IF HE OBTAINS THE PRESIDENT'S APPROVAL, THE AGREEMENTS CAN BE FORMAL SIGNED WITH EGYPT AND ISRAEL AND SUBMITTED TO CONGRESS FOR A PERIOD OF 60 LEGISLATIVE DAYS.

8. AT PRESENT 42 LEGISLATIVE DAYS REMAIN BEFORE THE OCTOBER 2 ADJOURNMENT. BY THE TIME INITIALING AND APPROVAL AND SIGNING TAKE PLACE THE NUMBER IS LIKELY TO DROP TO 30 TO 35. THUS, EVEN IF A SPECIAL SESSION IS CALLED, IT WOULD HAVE TO LAST FOR A MONTH IN CONTINUOUS SESSION TO PROVIDE TIME FOR THE NORMAL APPROVAL PROCESS.

9. CONCLUSION. IN MY JUDGMENT, THE LACK OF ENTHUSIASTIC SUPPORTERS, THE NUMBER OF INFLUENTIAL OPPONENTS, AND THE TIGHT CONGRESSIONAL SCHEDULE BETWEEN NOW AND OCTOBER 2 WOULD MAKE SPECIAL APPROVAL OF THESE AGREEMENTS DIFFICULT. A MAJOR PRESIDENTIAL EFFORT TO MOVE THE AGREEMENTS, STRONGLY SUPPORTED BY AN ISRAELI LOBBYING EFFORT, WOULD BE REQUIRED TO GAIN EARLY APPROVAL. ON THE OTHER HAND, IF THE 60 DAYS WERE PERMITTED TO RUN ROUTINELY, I BELIEVE THE AGREEMENTS WOULD BE APPROVED BY CONGRESS WITH LITTLE PROBLEM IN SPITE OF SOME STRONG OPPOSITION.

10. OPTIONS. OUR OPTIONS ARE:

1. TO PRESS ERDA TO SEEK EARLY PRESIDENTIAL APPROVAL AND TO MAKE A MAJOR EFFORT ON THE HILL TO GET CONGRESSIONAL APPROVAL PRIOR TO OCTOBER 2 OR IN A POST-ELECTION SESSION IF ONE IS HELD; OR

2. TO SUGGEST THAT THE PRESIDENT NOT APPROVE THE AGREEMENTS FOR SIGNATURE AND SUBMISSION TO CONGRESS IN ORDER TO KEEP THE ISSUE OUT OF THE POLITICAL CAMPAIGN, OR

3. TO LET THE EXECUTIVE AND LEGISLATIVE BRANCH PROCESSES RUN, RESULTING IN EARLY SUBMISSION TO THE CONGRESS BUT WITHOUT FINAL ACTION THIS YEAR BECAUSE OF CONFIDENTIAL

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LACK OF TIME. THE AGREEMENTS WOULD THEN COME BEFORE THE NEW CONGRESS. WHILE THE LAW IS SILENT ON THIS POINT, THE JOINT COMMITTEE STAFF BELIEVES THE FULL 60-DAY PERIOD WOULD HAVE TO RUN IN THE NEW YEAR.

11. RECOMMENDATION. I RECOMMEND OPTION 3, TO LET THE PROCESSES RUN ROUTINELY, ACCEPTING THE LIKELIHOOD THAT THIS WILL NOT RESULT IN CONGRESSIONAL APPROVAL OF THE AGREEMENTS THIS YEAR.

APPROVE

DISAPPROVE

12. ALTERNATIVELY, THAT WE SEEK EARLY APPROVAL BY THE

PRESIDENT AND CONGRESS (OPTION 1).

APPROVE

DISAPPROVE

13. OR, THAT WE HOLD THE AGREEMENTS UNTIL 1977 (OPTION 2).

APPROVE

DISAPPROVE

CLEARANCE:

NEA - MR. ATHERTON

OES - MR. DEVINE

HABIB

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NNN

Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: NUCLEAR ENERGY, AGREEMENTS, TOSEC
Control Number: S7616704
Copy: SINGLE
Draft Date: 05 AUG 1976
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: ShawDG
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1976STATE193453
Document Source: CORE
Document Unique ID: 00
Drafter: RFLATEN:EG
Enclosure: n/a
Executive Order: GS
Errors: N/A
Film Number: D760301-0221
From: STATE
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1976/newtext/t19760881/aaaactbs.tel
Line Count: 188
Locator: TEXT ON-LINE, ON MICROFILM
Office: ORIGIN H
Original Classification: CONFIDENTIAL
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 4
Previous Channel Indicators: n/a
Previous Classification: CONFIDENTIAL
Previous Handling Restrictions: n/a
Reference: n/a
Review Action: RELEASED, APPROVED
Review Authority: ShawDG
Review Comment: n/a
Review Content Flags:
Review Date: 23 JUL 2004
Review Event:
Review Exemptions: n/a
Review History: RELEASED <23 JUL 2004 by ElyME>; APPROVED <02 NOV 2004 by ShawDG>
Review Markings:

Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
04 MAY 2006

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: ACTION MEMORANDUM: NUCLEAR POWER AGREEMENTS WITH EGYPT AND ISRAEL - THE ROLE OF CONGRESS (S/S NO.7616704) FOR THE SECRETARY FROM MCCLOSKEY
TAGS: TECH, IS, EG, US
To: SECRETARY
Type: TE
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 04 MAY 2006